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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,957	12/09/2003	Richard C. Ferri	AUS920030843US1	3686
45371	7590	06/12/2007		
IBM CORPORATION (RUS) c/o Rudolf O Siegesmund Gordon & Rees, LLp 2100 Ross Avenue Suite 2600 DALLAS, TX 75201			EXAMINER MUHEBBULLAH, SAJEDA	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,957

Applicant(s)

FERRI ET AL.

Examiner

Sajeda Muhebbullah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/09/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 14, 25 and 38 are directed to an abstract idea rather than a practical application of the idea. Claims 1, 14, 25, and 38 do not require any a physical transformation nor do they appear to produce a useful, concrete and tangible result. Specifically, they do not appear to produce a tangible result because merely organizing icons within a segment is nothing more than a thought or a computation within a processor. It fails to use or make available for use the result of the organization to enable its functionality and usefulness to be realized. The practical application is not explicitly recited in the claims nor does it flow inherently therefrom. Therefore, claims 1-48 appear non-statutory.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-13, 16-17, 21-28, 34-37, 40-41 and 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolnick et al. ("Bolnick", US 6,043,817).

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As per claim 1, Bolnick teaches a method for organizing a plurality of icons on a computer desktop comprising:

classifying the icons into an icon group (col.16, lines 11-55);
placing the icon group into a segment (col.16, lines 11-55); and
organizing the icons within the segment (col.9, lines 44-48).

As per claim 2, Bolnick teaches the method further comprising:

analyzing the icons to determine the icons' attributes and using the icons' attributes to classify the icons (col.16, lines 11-55).

As per claim 3, Bolnick teaches the method wherein the icons' attributes are a type of application associated with each of the icons (col.16, lines 28-38).

As per claim 4, Bolnick teaches the method wherein the organization of the icons is to shrink the icons down to the icons' smallest possible size (col.31, lines 28-40).

As per claim 10, Bolnick teaches the method wherein the segment is user defined (col.19, lines 26-56).

As per claim 11, Bolnick teaches the method wherein the icon group is a group of webpages (col.8, lines 27-30).

As per claim 12, Bolnick teaches the method wherein the icon group is a group of games (col.8, lines 27-30).

As per claim 13, Bolnick teaches the method wherein the icon group is a group of development tools (col.8, lines 27-30).

Claims 16-17 and 40-41 are individually similar in scope to claims 3-4 respectively, and are therefore rejected under similar rationale.

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Claims 25-28 are similar in scope to claims 1-4 respectively, and are therefore rejected under similar rationale.

Claims 21-24, 34-37, and 45-48 are individually similar in scope to claims 10-13 respectively, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 18-20, 29-31, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnick et al. ("Bolnick", US 6,043,817) in view of Scott et al. ("Scott", US 6,545,687).

As per claim 5, Bolnick teaches the method wherein the organization of the icons is to change the size of the icons (Bolnick, col.31, lines 28-40). However, Bolnick does not teach the method such that the icons fill the segment. Scott teaches a method of organizing a plurality of icons such that the size of the icons are changed to fill the segment (Scott, col.16, lines 17-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Scott's teaching with Bolnick's method in order to make use of all available space.

As per claim 6, Bolnick teaches the method wherein the organization of the icons is to change the size of the icons (Bolnick, col.31, lines 28-40). However, Bolnick does not teach the of claim wherein the organization of the icons is to place the icons in the segment at normal size, but if the icons do not fit into the segment at normal size, then to shrink the size of the icons until

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the icons fit into the segment. Scott teaches a method of organizing a plurality of icons such that the size of the icons are shrunk to fit the icons into the segment (Scott, col.16, lines 17-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Scott's teaching with Bolnick's method in order to be able to view all of the icons at once.

As per claim 7, Bolnick teaches the method wherein the organization of the icons is to change the size of the icons (Bolnick, col.31, lines 28-40). However, Bolnick does not teach the method wherein the organization of the icons is to place the icons in the segment at normal size, but if the icons do not fit into the segment at normal size, then to add a scroll bar within the segment. Scott teaches a method of organizing a plurality of icons such that a scroll bar is added when the icons do not fit within the segment (Scott, col.1, lines 55-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Scott's teaching with Bolnick's method in order to be able to view all of the icons at normal size.

Claims 18-20, 29-31, and 42-44 are individually similar in scope to claims 5-7 respectively, and are therefore rejected under similar rationale.

6. Claims 8-9, 14-15, 32-33, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnick et al. ("Bolnick", US 6,043,817) in view of Nason et al. ("Nason", US 6,717,596).

As per claim 8, Bolnick teaches the method of claim 1 wherein the segment is defined by steps comprising:

defining a segment location (Bolnick, col.10, lines 40-43);

defining a segment size (Bolnick, col.10, lines 40-43);

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defining the icon group associated with the segment (Bolnick, col.6, lines 45-47; col.8, lines 26-67); and

defining the icons organization within the segment (Bolnick, col.6, lines 45-47; col.9, lines 44-48).

However, Bolnick does not teach the step of defining whether the segment covers the wallpaper on the desktop. Nason teaches a method of organizing segments on a desktop wherein segments are defined to be located outside the border of the desktop (Nason, col.6, lines 19-21; col.26, lines 23-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Nason's teaching with Bolnick's method in order to be able to view numerous segments at once.

As per claim 9, Bolnick teaches defining segments within a desktop (Bolnick, col.10, lines 40-43). However, Bolnick does not teach the method of claim 1 wherein the segment does not cover the wallpaper on the desktop. Nason teaches a method of organizing segments on a desktop wherein segments do not cover the desktop (Nason, col.6, lines 19-21; col.26, lines 23-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Nason's teaching with Bolnick's method in order to be able to view numerous segments at once.

Claims 14 and 38 are similar in scope to the combination of claims 2 and 9, and are therefore rejected under similar rationale.

Claims 15, 32, 39 are individually similar in scope to claim 8, and are therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 9, and is therefore rejected under similar rationale.

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Communications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah

Patent Examiner

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Kristine Kincaid
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